

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

David Mills Becker,)
)
Plaintiff,)
)
vs.)
)
Dennis Crow, Robert Erlandson, Loyd)
Krein, pete Fried, Rough Rider Industries,)
and NDSP,)
)
Defendants.)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 1:13-cv-117

Before the Court is Magistrate Judge Charles S. Miller, Jr.'s "Report and Recommendation" which was filed on February 29, 2013. See Docket No. 14. Judge Miller conducted an initial screening of the Plaintiff, David Becker's, amended complaint pursuant to 28 U.S.C. § 1915A.

Judge Miller found the amended complaint failed in all respects save for the Eighth Amendment claims against Robert Erlandson, Pete Freid, and Loyd Krein in their individual capacities and the retaliation claims against Erlandson and Fried in their individual capacities. See Docket No. 14, p. 1. Judge Miller makes the following recommendations:

1. Becker be permitted to proceed with his Eighth Amendment claims against Robert Erlandson, Pete Freid, and Loyd Krein in their individual capacities;
2. Becker be permitted to proceed with his retaliation claims against Robert Erlandson and Pete Freid in their individual capacities; and
3. All other claims be dismissed without prejudice.

See Docket No. 20, p. 12.

Becker filed an objection to the Report and Recommendation on May 12, 2014. See Docket No. 15. While Becker disagrees with Judge Miller's analysis, the Court finds it

convincing.

The Court has carefully reviewed the entire record, the relevant law, and the Plaintiff's objection, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 14) in its entirety, and **ORDERS** as follows:

1. Becker may proceed with his Eighth Amendment claims against Robert Erlandson, Pete Freid, and Loyd Krein in their individual capacities;
2. Becker may also proceed with his retaliation claims against Robert Erlandson and Pete Freid in their individual capacities; and
3. All other claims are dismissed without prejudice.

IT IS SO ORDERED.

Dated this 11th day of August, 2014.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court